IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc-M-25365 of 2007

Date of decision: 23.7.2007

Laxman …Petitioner

Versus

State of Haryana …Respondent

Present: Mr Surender Deswal, Advocate, for the petitioner.
Mr Vikas Chaudhary, AAG Haryana.

S.S. SARON, J

Heard counsel for the parties.

The petitioner is facing trial for the offences under Sections 363, 365, 366, 376(2)(g), 120B, 506, 34 IPC. The FIR in the case has been lodged on the complaint made by Rajinder inter alia alleging that his daughter who had passed her 10th class examination, was kidnapped by Satish Kumar, Laxman (petitioner), Dhillu and Vikram.

During trial, the statement of the prosecutrix has been recorded. The case against the petitioner is that of criminal conspiracy and not that of rape. The prosecutrix while appearing as PW1 stated that Laxman (petitioner) had not committed rape on her. However, he was aware of what was happening right from the time of her kidnapping. The petitioner has been charged for the offence under Section 376(2)(g) read with Section 120B IPC.

The question regarding the role of the petitioner in the incident is to be gone into after trial. The statementof the prosecutrix has already

been recorded. Therefore, there is less possibility of his influencing the prosecution witnesses or interfering in the trial.

In the circumstances, this petition is allowed and the petitioner, on his furnishing personal bond and surety in the like amount to the satisfaction of CJM Gurgaon, shall be admitted to bail.

23.7.2007. (S.S.SARON)
ASR JUDGE